

AO 121 (6/90)

TO: Register of Copyrights Copyright Office Library of Congress Washington, D.C. 20559	REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL REGARDING A COPYRIGHT
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In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input checked="" type="checkbox"/> ACTION <input type="checkbox"/> APPEAL		COURT NAME AND LOCATION	
DOCKET NO. 2:15-cv-01250		DATE FILED 7/2/2015	
		US District Court of Nevada 333 Las Vegas Blvd S Las Vegas NV 89101	
PLAINTIFF Hydrenta HLP Int. Limited		DEFENDANT WGCZ, S.R.O. , et al,	
COPYRIGHT REGISTRATION NO.	TITLE OF WORK		AUTHOR OR WORK
1	(See attached Complaint)		
2			
3			
4			
5			

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
COPYRIGHT REGISTRATION NO.	TITLE OF WORK		AUTHOR OF WORK
1			
2			
3			

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

COPY ATTACHED <input type="checkbox"/> Order <input type="checkbox"/> Judgment		WRITTEN OPINION ATTACHED <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE RENDERED
CLERK Lance S. Wilson		(BY) DEPUTY CLERK /s/ Tawnee Renfro	DATE 7/2/15

DISTRIBUTION:

1) Upon initiation of action, mail copy to Register of Copyrights	2) Upon filing of document adding copyright(s), mail copy to Register of Copyrights	3) Upon termination of action, mail copy to Register of Copyrights
4) In the event of an appeal, forward copy to Appellate Court	5) Case File Copy	

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12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF NEVADA**
14 **AT LAS VEGAS, NEVADA**

15 HYDENTRA HLP INT. LIMITED, a
16 foreign corporation, d/b/a METART,
17 d/b/a SEXART, d/b/a The MetArt
18 Network,

19 Plaintiff,

20 v.

21 WGCZ, S.R.O., a foreign corporation,
22 individually and d/b/a
23 XVIDEOS.COM,
24 XVIDEOSDAILY.COM and
25 XVIDEOSTODAY.NET;
26 STEPHANE MICHAEL PACAUD,
27 an individual; MALORIE DEBORAH
28 PACAUD, an individual; and Does
1-10,

Defendants.

Case Number _____

**ORIGINAL COMPLAINT FOR
DAMAGES, INJUNCTIVE AND
OTHER RELIEF FOR:**

1. Copyright Infringement;

**2. Contributory Copyright
Infringement;**

**3. Vicarious Copyright
Infringement;**

**4. Inducement of Copyright
Infringement;**

5. Trademark Infringement;

**6. Contributory Trademark
Infringement; and**

7. Violating Lanham Act § 43(a).

COMES NOW Plaintiff HYDENTRA HLP INT. LIMITED and, based upon knowledge of its own acts and based upon information and belief as to the acts of others, complains:

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over all claims for relief pursuant to 38 U.S.C. § 1331 because each is grounded upon a federal statute and, accordingly raises a federal question.

2. Further, this court has subject matter jurisdiction over the copyright and trademark claims pursuant to 28 U.S.C. § 1338(a).

3. Further, this court has subject matter jurisdiction over the unfair competition claims pursuant to 28 U.S.C. § 1338(b).

4. This court has personal jurisdiction over Defendant WGCZ, S.R.O. pursuant to 28 U.S.C. § 1391(b) and/or (c) because its principal place of business is in Clark County, Nevada, *e.g.*, *Goodyear Dunlop Tires Operations, S.A. v. Brown*, ___ US ___, 131 S.Ct. 2846, 2853-54, 180 L.Ed.2d 796 (2011).

5. Alternatively, this court has personal jurisdiction over the defendant based upon Nevada Revised statutes section 14.065 because exercise of jurisdiction would not be inconsistent with the Nevada Constitution or the Constitution of the United States.

6. Alternatively, to the extent that the defendant is not subject to jurisdiction in any state's courts of general jurisdiction, then this Court has personal jurisdiction over the defendant pursuant to Rule 4(k)(2) of the Federal Rules of Civil Procedure because the court's exercise of jurisdiction is consistent with the United States Constitution and laws.

9. This case is properly filed in the “unofficial” Southern Division of this District pursuant to Local Rule IA 6-1 of this court because Defendant resides in Clark County, Nevada.

10. Plaintiff HYDENTRA HLP INT. LIMITED (“Plaintiff”) is a corporation, organized and existing under the laws of Cypress, with its principal offices in Los Angeles County, California.

12. Defendant Stephane Michael Pacaud is, upon information and belief, a resident of France, and an executive of WGCZ, S.R.O. acting within the United States and seeking protection of the laws of the United States.

13. Defendant Malorie Deborah Pacaud is, upon information and belief, a resident of France, and an executive of WGCZ, S.R.O. acting within the United States and seeking protection of the laws of the United States.

14. Defendants Stephane Michael Pacaud and Malorie Deborah Pacaud are each executive of Defendant WGCZ, S.R.O., with discretion, influence, and control over the contents of Xvideos.com, Xvideosdaily.com, and Xvideostoday.net.

15. Defendants Doe 1-10 are individuals or entities that own Xvideos.com, Xvideosdaily.com, and/or Xvideostoday.net and/or act in concert with Xvideos.com, Xvideosdaily.com, and/or Xvideostoday.net. The true names and capacities of which are presently unknown to Plaintiff. It is for that reason Plaintiff sues these Defendants by fictitious names. Plaintiff avers that each of the Doe defendants, along with the named defendant, jointly or severally, is responsible for the damages alleged herein.

Domestic Activities of Plaintiff WGCZ, S.R.O.

16. In September 2012, WGCZ, S.R.O. applied with the United States Trademark Office for trademark protection under the laws of the United States for the mark "xvideos." In March 2013, the United States Trademark Office granted such protections.

17. Since being granted protections by the United States Trademark Office, WGCZ, S.R.O. has asserted such protections at least three times in the United States, including filing complaints with the World Intellectual Property Organization seeking recovery of domains which were alleged to have violated WGZC, S.R.O.'s trademark registration. In each of these complaints, WGZC, S.R.O. represented under oath that it was a resident of Las Vegas, Nevada.

18. WGCZ, S.R.O. owns Xvideos.com, Xvideosdaily.com, and Xvideostoday.net, each of which is an Internet Web site that displays and distributes adult-oriented videos, content, and services.

19. A June 2014 WIPO Arbitration Panel Decision stats that WGCZ S.R.O. is, “of Las Vegas, Nevada, United States of America,” and “. . . [WGCZ S.R.O.] submits that it owns registered trade mark rights for its XVIDEOS mark and that its use of the mark in connection with the provision of on-line adult entertainment services at the domain name <Xvideos.com> has become so well known since 2007 that it receives approximately 4.4 billion page views per month, three times the number of views received by numerous other world-famous Internet sites, including “CNN.com” and “ESPN.com.”¹

FACTS COMMON TO ALL CLAIMS

The DMCA

20. Included in the Digital Millennium Copyright Act, Pub. L. 105-304, 112 Stat. 2860 (October 28, 1998) (the “DMCA”) is Title II, the Online Copyright Infringement Liability Limitation Act, amending the Copyright Act of 1976 to create a new section 512. 17 U.S.C. § 512(c), limiting liability of online service providers.

21. DMCA section 512(c) provides true internet service providers with protection against liability for copyright infringement resulting from the actions and/or postings of their users. As a primary example, the safe harbor protections provide YouTube.com with protection from liability should one of its users post a copyright protected video without authority or license.

¹ Source: WGCZ S.R.O. v. WhoIsProtectService.net Protect service, Ltd./AVO Ltd, Case No. D2014-0549. Last visited March 6, 2015.

Link:

<http://www.wipo.int/amc/en/domains/search/text.jsp?case=D2014-0549>

22. To enjoy safe harbor protection under § 512(c), an online service provider must (1) not receive a financial benefit directly attributable to the infringing activity, (2) not be aware of the presence of infringing material or know any facts or circumstances that would make infringing material apparent, and (3) upon receiving notice from copyright owners or their agents, act expeditiously to remove the purported infringing material. The latter notice generally is called a “take-down notice” in the industry to which § 512(c) applies.

23. One of the requirements for protection under § 512(c) is appointment of a “designated agent” who is registered at the Copyright Office of the Library of Congress to receive take-down notices.

24. Failure to appropriately respond to a properly served take-down notice that complies with the statutory requirements results in an “expeditious” manner results in loss of immunity, as does failure to have in place and enforce a repeat-infringer policy..

Plaintiff's Copyrights

25. Plaintiff is the sole owner of each of the copyrights listed in Exhibit 1001, attached hereto. Each such copyright was procured either within three months of first publication or prior to the commencement of infringing activities alleged herein with respect to that copyright or both.

26. There are no encumbrance on any of the aforesaid copyrights.

27. Plaintiff has taken industry standard steps to identify its products, including placing recorded warnings at the beginning and end of video productions that appear whenever those videos are played. Plaintiff's videos are watermarked with Plaintiff's readily identifiable logo.

28. Plaintiff, more commonly known as the MetArt Network of adult entertainment properties, is a group of erotic Web sites that explore and deliver sensuality and sexuality through artistic photography, video, erotic stories, and through articles about beauty, culture, and nudity. These Web sites include MetArt.com, SexArt.com, Errotica-Archives.com, EroticBeauty.com, TheLifeErotic.com, RylskyArt.com, MichealNinn.com, ALSScan.com, VivThomas.com, EternalDesire.com, Stunning18.com, HollyRandall.com, domai.com, goddessnudes.com, MagikSex.com, and bbfilms.com. Since 1999, Plaintiff has grown its trademark brands into a globally recognized leader of sensual art garnering numerous industry awards through the use of studios around the globe, exotic locations, high budget productions, engaging storylines, famed photographers and directors coupled with the dedication from its artists and technicians.

29. The MetArt library is comprised of exclusive content that features over 5000 models shot by 250 photographers/directors including such notables as Vivian Thomas and the late Zalman King, who also brought Hollywood films such as Wild Orchid, Two Moon Junction, 9 ½ Weeks, and the Showtime network groundbreaking series Red Shoes Diaries.

30. The MetArt Web sites are paid membership sites. MetArt engages in extremely limited licensing of its content to other entities or Web sites for viewing, in addition to the small sample of promotional materials provided to MetArt affiliates for the sole purpose of the affiliates' promoting MetArt property. Any licensing is done with the intent for brand exposure and is limited to a small subset of hand-selected content. Predominantly, the MetArt business model is simply that a user must be a paid member to a MetArt site to view MetArt's works.

1 31. Plaintiff is the respective producer, distributor, and exclusive licensor of
2 its own motion pictures in the United States as well as throughout the world.

3
4 **Plaintiff's Trademarks**

5 32. Plaintiff's MetArt trademark and service mark have been continuously
6 used in commerce since May 2002. United States Trademark Registration No.
7 3152759 was registered on October 10, 2006.

8 33. Plaintiff has expended considerable effort and expense in promoting its
9 trademark and the goods sold under the trademark MetArt. As a result, the purchasing
10 public has come to know, rely upon and recognize the mark MetArt as an international
11 brand of high quality adult entertainment.

12 34. Plaintiff's SexArt trademark and service mark have been continuously
13 used in commerce since April 2011. Its United States Trademark Registration No.
14 4191754 was registered on August 14, 2012.

15 35. Plaintiff has expended considerable effort and expense in promoting its
16 trademark and the goods sold under the trademark SexArt. As a result, the purchasing
17 public has come to know, rely upon and recognize the mark SexArt as an international
18 brand of high quality adult entertainment.

19
20 **Activities of Defendant WGCZ, S.R.O.**

21 36. Defendants conduct business as Xvideos.com, Xvideosdaily.com, and
22 Xvideostoday.net, operate the Web sites, and derive direct financial benefit through
23 advertising sales on the Web sites.

24 37. Defendants compete against Plaintiff in the distribution and sale of
25 adults-only audio-visual works through Internet distribution and divert potential
26

1 customers from Plaintiff.

2 38. Defendant WGCZ, S.R.O. registered Xvideos.com as an Internet Service
3 Provider and designated a DMCA Agent. However, Defendants fail to honor
4 take-down notices as required and fails to implement a reasonable repeat infringer
5 policy. Thus, Xvideos.com does not qualify for DMCA safe harbor protections.

6 39. Defendants have not listed a designated DMCA agent, has not designated
7 a DMCA agent, and has not registered as a service provider for Xvideodaily.com.

8 40. Defendants have not listed a designated DMCA agent, has not designated
9 a DMCA agent, and has not registered as a service provider for Xvideostoday.net.

10 41. The DMCA safe harbor provisions have been systematically abused by
11 internet copyright infringers in an attempt to garner protection for pirate Web sites
12 displaying copyrighted adult entertainment content without license or authority for
13 free viewing to the public. Under a veneer of DMCA compliance, the owners and
14 operators attempt to hide behind the safe harbor provisions while monetizing the Web
15 site through membership programs and substantial advertising contracts.

16 42. Xvideos.com, Xvideodaily.com, and/or Xvideostoday.net are such pirate
17 Web sites, displaying copyrighted adult entertainment content without authorization
18 or license.

19 43. Defendants host adult entertainment videos and/or host embedded code
20 for adult entertainment videos to permit a user to view the videos on Xvideos.com,
21 Xvideodaily.com, and/or Xvideostoday.net for free.

22 44. Defendants sell advertising space on Xvideos.com, Xvideodaily.com,
23 and/or Xvideostoday.net in several forms, including front load pop-up advertising and
24 advertising banners on space in close proximity to free videos, often geocentric.

25 45. Videos on Xvideos.com, Xvideodaily.com, and/or Xvideostoday.net may
26

1 be shared on other sites, in addition to the user being provided with direct links for
2 posting on or to any social media site including, but not limited to, Facebook, Twitter,
3 Google or via to Email to anyone regardless of age or location. Such functionality
4 makes it impossible to know how many times and where an unlicensed copyrighted
5 video has been posted and displayed illegally as a direct result of Defendants unlawful
6 display.

7 46. Defendants place their registered US trademark, XVIDEOS, on the
8 copyrighted works owned by Plaintiff. This mark advertises the Defendants web
9 property to all who view the video on Defendants site or on any shared location,
10 where and when the video is displayed. Xvideos.com is an active link. Therefore,
11 when a user takes a video and displays it and/or links it to another site, a subsequent
12 user will be taken back to xvideos.com.

13 47. Xvideos.com fails to fulfill the requisite conditions precedent to qualify
14 for the safe harbor provisions of the DMCA. Specifically, while a registered Internet
15 Service Provider and appointing a registered DMCA Agent, the Defendants fail to
16 honor the take-down notices sent to the DMCA Agent and fails to implement a
17 reasonable repeat infringer policy.

18 48. Xvideosdaily.com and Xvideostoday.net each fail to fulfill the requisite
19 conditions precedent to qualify for the safe harbor provisions of the DMCA.
20 Specifically, Defendant have not registered the sites as Internet Service Providers with
21 the United States Copyright Office, fails to have a DMCA Agent identified on the site,
22 and fails to have a DMCA Agent registered with the United States Copyright Office.

23 49. In or about January 2015, and for an unknown time before and up to the
24 present, Defendants' Web site Xvideos.com displayed 44 of Plaintiff's copyright
25 registered works over 65 separate and distinct URLs – each a part of Xvideos.com.
26

1 Those copyrighted works and their corresponding Xvideos.com page are listed in
2 Exhibit 1001, attached hereto. Defendants have no authority or license to display or
3 distribute any portion of Plaintiff's copyrighted works.

4 50. On January 23, 2015, DMCA compliant take-down notices were
5 delivered to the DMCA Agent appointed for Xvideos.com. On February 17, 2015, the
6 DMCA Agent was notified that 40 of Plaintiff's registered copyrights were still being
7 violated. As of the date of this filing, those violations continue.

8 51. In or about February 2015, and for an unknown time before and up to the
9 present, Defendants' Web site Xvideodaily.com displayed one of Plaintiff's copyright
10 registered. The copyrighted work and the corresponding Xvideodaily.com page is
11 listed in page 3 of Exhibit 1001, attached hereto. Defendants have no authority or
12 license to display or distribute any portion of Plaintiff's copyrighted works.

13 52. In or about February 2015, and for an unknown time before and up to the
14 present, Defendants' Web site Xvideostoday.net displayed one of Plaintiff's copyright
15 registered works. The copyrighted work and the corresponding Xvideostoday.net page
16 is listed in Exhibit B, attached hereto. Defendants have no authority or license to
17 display or distribute any portion of Plaintiff's copyrighted works.

18 53. The intellectual property infringement on Xvideos.com,
19 Xvideodaily.com, and/or Xvideostoday.net is not limited to the unlawful display of
20 Plaintiff's copyrighted works. In each instance of copyright infringement, Defendants
21 have also infringed Plaintiff's registered trademarks.

22 54. For Plaintiff's videos that are displayed without authority on
23 Xvideos.com, Xvideodaily.com, and/or Xvideostoday.net the Defendants have caused
24 Plaintiff's trademarks to be used in the meta tags and/or meta descriptions for the
25 URL of the infringing video.

57. Meta tags do not affect the appearance of a Web site and are not visible when you look at a Web page, but they provide information regarding the content of the site.

58. Some Web sites use meta tags in a deceptive manner to lure Web surfers. Instead of using terms that properly describe the site, some programmers substitute the names of competing companies. For example, a rival shoe manufacturer may bury the meta tag “Nike” in its Web page to lure Web surfers searching for Nike products. In the case of the Web site selling handmade watches, the meta tag might include “Rolex,” “Swatch,” “Bulova,” or Cartier.”

59. By using Plaintiff's trademarks in Defendants' meta tags and/or meta descriptions, Defendants use Plaintiff's trademarks in commerce and in connection with their promotions, sales, and advertising.

60. The use of Plaintiff's trademarks in Defendants' meta tags and/or meta descriptions is likely to cause confusion to the end users/consumers, especially initial interest confusion.

61. As an example, a recent search on *google.com* for “Free SexArt” and “MetArt Films” listed *xvideos.com* in the #1 position in each instance; for “SexArt Movies” it listed *xvideos.com* in the #5 position; and “MetArt” places *xvideos.com* in

1 the #3 position. A recent search on google.com for “SexArt Movies” on xvideos.com
2 showed 1290 results; and for “Free SexArt Movies” showed 2120 results. The same
3 search done for “MetArt Movies” on xvideos.com returns 525 results; and “Free
4 MetArt movies” returned 669 results. A simple search for “SexArt” on xvideos.com
5 showed 3,140 results; and for “MetArt” 1,980 results.

6 62. The take-down notices delivered to the Xvideos.com DMCA Agent on
7 January 23, 2015 included notice of the trademark infringements and demanded that
8 such action cease.

9 63. The demand to cease the use of Plaintiff’s trademarks was ignored in
10 totality. In fact, for the limited videos that were disabled on Xvideos.com pursuant to
11 the take-down notices, the meta data for these videos remained and remains active.

12 64. Upon information and belief, Defendants have actual knowledge and
13 clear notice of the infringement of Plaintiff’s titles or else is willfully blind to the
14 rampant infringement. The infringement is clear and obvious even to the most naïve
15 observer. Plaintiff’s films are indexed, displayed and distributed on Defendants’ Web
16 site through Defendant and the Doe Defendants acting in concert. Plaintiff’s and other
17 major producers’ trademarks are used to index infringing material along with
18 obfuscation of watermarks and other identifiers which is evidence of knowledge and
19 intent.

20 65. By virtue of the conduct alleged herein, Defendants knowingly promote,
21 participate in, facilitate, assist, enable, materially contribute to, encourage, and induce
22 copyright infringement, and thereby have infringed, secondarily infringed, and
23 induced infringement by others, the copyrights in Plaintiff’s copyrighted work.

24 66. Defendants, either jointly, severally, actually, constructively, and with
25 or without direct concert with one another, deprived Plaintiff of the lawful monetary
26

1 rewards that accompany its rights in the copyrighted works. Defendants disregard for
2 copyright trademark laws threaten Plaintiff's business.

3 67. Defendants intentionally, knowingly, negligently, or through willful
4 blindness avoided reasonable precautions to deter rampant copyright infringement on
5 their Web site.

6 68. Defendants make no attempt to identify any individual providing the
7 works, where the individual obtained the works, whether the individuals had authority
8 to further reproduce and distribute the works or if such parties even exist.

9 69. Defendants' acts and omissions allow them to profit from their
10 infringement while imposing the burden of monitoring Defendants' Web site onto
11 copyright holders, without sufficient means to prevent continued and unabated
12 infringement.

13
14 **FIRST CLAIM FOR RELIEF**
15 **FOR COPYRIGHT INFRINGEMENT**

16 **[17 U.S.C. §§ 101 et. seq.]**

17 **Against All Defendants**

18 70. Plaintiff repeats, re-alleges, and incorporates by reference each and every
19 preceding allegation set forth herein.

20 71. Plaintiff holds the copyright on each of the infringed works alleged
21 herein.

22 72. Plaintiff registered each copyright with the United States Copyright
23 Office.

24 73. At all pertinent times, Plaintiff is the producer and registered owner of
25 the audiovisual works illegally and improperly reproduced and distributed by
26

1 Defendants.

2 74. Defendants copied, reproduced, reformatted, and distributed Plaintiff's
3 copyrighted works by and through servers and/or hardware owned, operated and/or
4 controlled by Defendants.

5 75. Defendants did not have authority or license to copy and/or display
6 Plaintiff's original works.

7 76. Defendants infringed Plaintiff's copyrighted works by reproducing and
8 distributing works through Defendants' Web site without property approval,
9 authorization, or license of Plaintiff.

10 77. Defendants knew or reasonably should have known they did not have
11 permission to exploit Plaintiff's works on Xvideos.com, Xvideosdaily.com, and/or
12 Xvideostoday.net and further knew or should have known their acts constituted
13 copyright infringement.

14 78. Defendants made no attempt to discover the copyright owners of the
15 pirated works before exploiting them. Defendants failed and refused to take any
16 reasonable measure to determine the owner or license holder of the copyrighted
17 works.

18 79. Defendants engaged in intentional, knowing, negligent, or willfully blind
19 conduct sufficient to demonstrate they engaged actively in the improper collection and
20 distribution of Plaintiff's copyrighted works.

21 80. The quantity and quality of copyright files available to Internet users
22 increased the attractiveness of Defendants' service to its customers, increased its
23 membership base, and increased its ad sales revenue.

24 81. Based on information and belief, Defendants actively uploaded pirated
25 copyrighted files and/or embedded code, enabling users of Xvideos.com to view
26

1 copyrighted videos and images for free.

2 82. Defendants controlled the files owned by Plaintiff and determined which
3 files remained for display and distribution.

4 83. Defendants never adopted procedures to ensure that distribution of
5 Plaintiff's copyrighted materials would not occur. Further, Defendants never
6 implemented or enforced a "repeat infringer" policy.

7 84. Defendants either were aware, actually or constructively, should have
8 been aware, or were willfully blind that pirated copyrighted materials comprised the
9 most popular videos on the Defendants Web sites.

10 85. Defendants, through Xvideos.com, Xvideosdaily.com, and/or
11 Xvideostoday.net affirmatively and willfully accommodated Internet traffic generated
12 by the illegal acts.

13 86. Defendants' conduct was willful within the meaning of 17 U.S.C. § 101,
14 et seq. At a minimum, Defendants acted with willful blindness and reckless disregard
15 of Plaintiff's registered copyrights.

16 87. Because of their wrongful conduct, Defendants are liable to Plaintiff for
17 copyright infringement. See 17 U.S.C. §501. Plaintiff suffers and will continue to
18 suffer substantial losses, including, but not limited to, damage to its business
19 reputation and goodwill.

20 88. The law permits Plaintiff to recover damages, including readily
21 ascertainable direct losses and all profits Defendants made by their wrongful conduct.
22 17 U.S.C. §504. Alternatively, the law permits Plaintiff to recover statutory damages.
23 17 U.S.C. §504(c).

24 89. Because of Defendants' willful infringement, the law permits
25 enhancement of the allowable statutory damages. 17 U.S.C. §504(c) (2).

1 90. The law permits Plaintiff injunctive relief. 17 U.S.C. §502. Further, the
2 law permits a Court Order impounding any and all infringing materials. 17 U.S.C.
3 §503.

4
5 **SECOND CLAIM FOR RELIEF**
6 **FOR CONTRIBUTORY COPYRIGHT INFRINGEMENT**

7 **Against All Defendants**

8 91. Plaintiff repeats, re-alleges, and incorporates by reference each and every
9 preceding allegation set forth herein.

10 92. Unknown individuals, without authorization, reproduced and distributed
11 Plaintiff's works through Defendants' Web sites, directly infringing Plaintiff's
12 copyrighted works.

13 93. Defendants contributed to the infringing acts of those individuals.

14 94. Defendants were aware, should have been aware, or were willfully blind
15 to the infringing activity.

16 95. Defendants aided, abetted, allowed, and encouraged those individuals to
17 reproduce and distribute Plaintiff's copyrighted works through Defendants' Web site
18 without regard to copyright ownership.

19 96. Defendants had the ability and obligation to control and stop the
20 infringements. Defendants failed to do so.

21 97. Defendants have engaged in the business of knowingly inducing, causing,
22 and/or materially contributing to unauthorized reproduction, adaptation, public display
23 and/or distribution of copies of the Plaintiff's copyrighted works, and thus to the
24 direct infringement of Plaintiff's copyrighted works.

25 98. Defendants received direct financial benefits from the infringements.

1 99. Defendants' actions constitute contributory infringement of Plaintiff's
2 copyrights and exclusive rights under copyright in the Plaintiff's copyrighted works
3 in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

4 100. The unauthorized reproduction, distribution, and public display of
5 Plaintiff's copyrighted works that Defendant enables, causes, materially contributes
6 to and encourages through the acts described above are without Plaintiff's consent and
7 are not otherwise permissible under the Copyright Act.

8 101. The acts of infringement by Defendants have been willful, intentional,
9 and purposeful and in reckless disregard of and with indifference to Plaintiff's rights.

10 102. As a direct and proximate result of the infringements by Defendants of
11 Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's
12 copyrighted works, Plaintiff is entitled to its actual damages and Defendants' profits
13 pursuant to 17 U.S.C. § 504(b).

14 103. Alternatively, Plaintiff is entitled to maximum statutory damages,
15 pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work
16 infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c).

17 104. Plaintiff is further entitled to their attorneys' fees and full costs pursuant
18 to 17 U.S.C. § 505.

19
20 **THIRD CLAIM FOR RELIEF**
21 **FOR VICARIOUS COPYRIGHT INFRINGEMENT**

22 **Against All Defendants**

23 105. Plaintiff repeats, re-alleges, and incorporates by reference each and every
24 preceding allegation set forth herein.

25 106. Without authorization, individuals reproduced, distributed, and publicly
26

1 displayed Plaintiff's works through Defendants' Web site, directly infringing
2 Plaintiff's copyrighted works.

3 107. Defendants were actually or constructively aware or should have been
4 aware or were willfully blind to the infringing activity.

5 108. Defendants were able to control or completely end the illegal and
6 improper infringement, but failed to do so.

7 109. Defendants contributed materially to the infringement.

8 110. Defendants received directly financial gain and profit from those
9 infringing activities.

10 111. The acts, omissions, and conduct of all Defendants constitute vicarious
11 copyright infringement.

12 112. The acts of infringement by Defendants have been willful, intentional,
13 purposeful and in reckless disregard of and with indifference to Plaintiff's rights. As
14 a direct and proximate result of the infringements by Defendants of Plaintiff's
15 copyrights and exclusive rights under copyright in the Plaintiff's copyrighted works,
16 Plaintiff is entitled to its actual damages and Defendants' profits pursuant to 17 U.S.C.
17 § 504(b).

18 113. Alternatively, Plaintiff is entitled to maximum statutory damages,
19 pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work
20 infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c).

21 114. Plaintiff is further entitled to their attorneys' fees and full costs pursuant
22 to 17 U.S.C. § 505.

23 /

24 /

25 /

FOURTH CLAIM FOR RELIEF
FOR INDUCEMENT OF COPYRIGHT INFRINGEMENT

Against All Defendants

115. Plaintiff repeats, re-alleges, and incorporates by reference each and every preceding allegation set forth herein.

116. Defendants designed and/or distributed technology and/or devices and/or induced individuals to use this technology to promote the use of infringed and copyrighted material. As a direct and proximate result of Defendants' inducement, individuals infringed Plaintiff's copyrighted works. These individuals reproduced, distributed and publicly disseminated Plaintiff's copyrighted works through Defendants' Web site.

117. On information and belief, Defendants have encouraged the illegal uploading and downloading of Plaintiff's copyrighted works, thus inducing the unauthorized reproduction, adaptation, public display and/or distribution of copies of the Plaintiff's copyrighted works, and thus to the direct infringement of Plaintiff's copyrighted works.

118. Defendants' actions constitute inducing copyright infringement of Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's copyrighted works in violation of the Copyright Act, 17 U.S.C. §§ 106 and 501.

119. The infringement of Plaintiff's rights in and to each of the Plaintiff's copyrighted works constituted a separate and distinct infringement.

120. The acts of infringement by Defendants have been willful, intentional, purposeful and in reckless disregard of and with indifference to Plaintiff's rights.

121. As a direct and proximate result of the infringements by Defendants of Plaintiff's copyrights and exclusive rights under copyright in the Plaintiff's

copyrighted works, Plaintiff is entitled to its actual damages and Defendants' profits pursuant to 17 U.S.C. § 504(b).

122. Alternatively, Plaintiff is entitled to maximum statutory damages, pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 with respect to each work infringed, or such other amounts as may be proper under 17 U.S.C. § 504(c).

123. Plaintiff is further entitled to their attorneys' fees and full costs pursuant to 17 U.S.C. § 505.

FIFTH CLAIM FOR RELIEF
FOR TRADEMARK INFRINGEMENT

[15 U.S.C. §§ 1111 et. seq.]

Against All Defendants

124. Plaintiff repeats, re-alleges, and incorporates by reference each and every preceding allegation set forth herein.

125. By virtue of its trademark registrations, Plaintiff has the exclusive right to use of the trademarks, trade dress and service marks enumerated in this Complaint in the adult-oriented audio-visual markets, including Internet markets.

126. Defendants' use of Plaintiff's registered trademarks and service marks is in a manner likely to cause consumer confusion, as alleged herein, constitutes trademark infringement pursuant to 15 U.S.C. § 1114.

127. Defendants' infringement is intentional and willful, has caused and will continue to cause damage to Plaintiff in an amount to be proven at trial, and is causing irreparable harm to Plaintiff for which there is no adequate remedy at law, thus Plaintiff are entitled to statutory and treble damages.

SIXTH CLAIM FOR RELIEF

CONTRIBUTORY TRADEMARK INFRINGEMENT

[15 U.S.C. §§ 1111 et. seq.]

Against All Defendants

128. Plaintiff repeats, re-alleges, and incorporates by reference each and every preceding allegation set forth herein.

129. By virtue of its trademark registrations, Plaintiff has the exclusive right to use of the trademarks, trade dress and service marks enumerated in this Complaint in the adult-oriented audio-visual markets, including Internet markets.

130. Defendants' actions that encouraged use of Plaintiff's registered trademarks and service marks in manners likely to cause consumer confusion, as alleged herein, constitutes trademark infringement pursuant to 15 U.S.C. § 1114.

131. Defendants' infringement is intentional and willful, has caused and will continue to cause damage to Plaintiff in an amount to be proven at trial, and is causing irreparable harm to Plaintiff for which there is no adequate remedy at law, thus Plaintiff are entitled to statutory and treble damages.

SEVENTH CLAIM FOR RELIEF

FOR FALSE DESIGNATION OF ORIGIN UNDER THE LANHAM ACT

[15 U.S.C. §§ 1125 et. seq.]

Against All Defendants

132. Plaintiff repeats, re-alleges, and incorporates by reference each and every preceding allegation set forth herein.

133. Upon information and belief, Defendants' conduct is likely to cause confusion, mistake or deception as to Defendants' affiliations, connection, or

1 association with Plaintiff, or as to the origin, sponsorship or approval of their goods
2 or commercial activities.

3 134. Defendants' conduct as alleged herein, including but not necessarily
4 limited to their use of Plaintiff's marks, constitutes false designation of origin
5 pursuant to 15 U.S.C. § 1125(a).

6 135. Plaintiff has been damaged by these acts in an amount to be proven at
7 trial. Plaintiff is also entitled under the Lanham Act to injunctive and equitable relief
8 against Defendants.

9
10 **DEMAND FOR RELIEF**

11 WHEREFORE, Plaintiff demands a judgment,

12 *i.*

13 A. That Defendants, their agents, servants, officers, directors, employees,
14 attorneys, privies, representatives, successors and assigns and parent and subsidiary
15 corporations or other related entities, and any or all persons in act of concert or
16 participation with any of them, be preliminarily and permanently enjoined from:

17 i. Any and all reproduction, adaptation, public display and/or
18 distribution of copies of the Plaintiff's copyrighted works by Defendants on any
19 Web site, including but not limited to Xvideos.com, Xvideosdaily.com, and
20 Xvideostoday.net;

21 ii. Permitting any user to upload for reproduction, adaptation, public
22 display and/or distribution of copies of the Plaintiff's copyrighted works by
23 Defendants on any Web site, including but not limited to Xvideos.com,
24 Xvideosdaily.com, and Xvideostoday.net; and

25 iii. Marketing or selling any product containing or utilizing Plaintiff's
26

1 intellectual property or business values;

2 B. That Plaintiff be awarded actual damages in an amount to be determined
3 at trial for all infringing activities, including Plaintiff's damages and lost profits,
4 Defendants' profits, plus any costs incurred in preventing future confusion, mistake
5 or deception, all from the date of first infringement;

6 C. That Plaintiff be awarded statutory damages as provided by the
7 Copyright Act of 1976, 17 U.S.C. § 504(c);

8 D. That Defendants pay Plaintiff a sum sufficient to cover the cost of
9 corrective advertising necessary to alleviate any existing or lingering confusion
10 resulting from Defendants' unauthorized use of Plaintiff's trade dress and terms;

11 E. That Defendants be ordered to account to Plaintiff for all profits, gains
12 and advantages which they have realized as a consequence of their unauthorized use
13 of Plaintiff's copyrighted works;

14 F. That Plaintiff be awarded enhanced damages and attorney's fees;
15

16 *ii.*

17 G. That finds that Defendants have engaged in, and continue to engage in,
18 unfair competition in violation of 15 U.S.C. § 1125(a);

19 H. Finding that Defendants have and continue to infringe Plaintiff's
20 '3152759 trademark in violation of 15 U.S.C. § 1114;

21 I. Finding that Defendants have and continue to infringe Plaintiff's
22 '4191754 trademark in violation of 15 U.S.C. § 1114;

23 J. That pursuant to 15 U.S.C. § 1117, Defendants be held liable for all
24 damages suffered by Plaintiff resulting from the acts alleged herein;

25 K. That Plaintiff be awarded damages in an amount to be determined at trial
26

1 for all infringing activities, including Plaintiff's damages and lost profits, Defendants'
2 profits, plus any costs incurred in preventing future confusion, mistake or deception,
3 all from the date of first infringement;

4 L. That pursuant to 15 U.S.C. § 1117 Defendants be ordered to account to
5 Plaintiff for all profits, gains and advantages which they have realized as a
6 consequence of their unauthorized use of Plaintiff's copyrighted works;

7 M. That the Court declare this to be an exceptional case and award Plaintiff's
8 reasonable attorney fees pursuant to 15 U.S.C. § 1117

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Page 24

28

ORIGINAL COMPLAINT FOR DAMAGES, INJUNCTIVE AND OTHER RELIEF

iii.

N. That Plaintiff be awarded pre-judgment and post-judgment interest;

O. That Plaintiff be awarded costs and expenses incurred in prosecuting this action, including expert witness fees;

P. That Defendants be ordered to file with the Court and serve upon Plaintiff, within thirty (30) after the entry of an injunction, a report in writing and under oath, setting forth in detail the manner and form in which Defendants have complied with any ordered injunction; and

Q. That such other and further preliminary and permanent relief be awarded to Plaintiff as the Court deems appropriate.

Dated: July 1, 2015.

Respectfully Submitted,

CLYDE DeWITT
LAW OFFICES OF CLYDE DeWITT, APC

SPENCER D. FREEMAN
FREEMAN LAW FIRM, INC.
(Subject to admission pro hac vice²)

By: /s/ Clyde DeWitt
Clyde DeWitt

Counsel for Plaintiff

² Pursuant to Local Rule IA 10-2(C), Mr. Freeman will comply with the requirements of LR IA 10-2 within forty-five days of the filing of this complaint, as required by Local Rule IA 10-2(e).

EXHIBIT 1001

Table of Copyrights

EXHIBIT 1001

No.	Title of Work	Copyright Registration Number	Infringing Link
1	Sofi A in Kilemian	PA0001916839	http://www.xvideos.com/video6334209/sofie
2	Valentina	PA0001916851	http://www.xvideos.com/video3580597/010713.k.valentina720_big_new_
3	Cloud	PA0001916916	http://www.xvideos.com/video3930663/ariel_piper_fawn_and_silvie_delux_lesbian
4	Vintage Collection - Seduction	PA0001917318	http://www.xvideos.com/video7597924/40
5	Upper West Side	PA0001922429	http://www.xvideos.com/video6749595/80
6	True Love	PA0001922436	http://www.xvideos.com/video7061436/andrejlupin1080
7	Ulya I in Tempio	PA0001922438	http://www.xvideos.com/video186444/klodi_a.k.a._ulya_i_met-art_tempio
8	The Heat	PA0001922527	http://www.xvideos.com/video7890715/sexart_free_hd_at_porn15.net
9	Spanish Lesson	PA0001922536	http://www.xvideos.com/video8419999/spanish_lesson_clases_de_espanol_en_verano_
10	Art of Sex	PA0001922538	http://www.xvideos.com/video747892/art_of_sex
11	Art of Sex	PA0001922538	http://www.xvideos.com/video593302/art_of_sex
12	Art of Sex	PA0001922538	http://www.xvideos.com/video713971/art_of_sex
13	The Art of Sex 2	PA0001922538	http://www.xvideos.com/video594567/art_of_sex_2
14	Sunny Morning	PA0001922541	http://www.xvideos.com/video6925747/xvideos-29
15	Sunny Morning	PA0001922541	http://www.xvideos.com/video7767993/goodmooning
16	Tantra Imaginations	PA0001922543	http://www.xvideos.com/video7555956/sexart_tantra_imaginations
17	Tantra Imaginations	PA0001922543	http://www.xvideos.com/video4890844/teenvideosporn.com_-_sax_tantra-imaginations_connie-car
18	Someone is Watching	PA0001922547	http://www.xvideos.com/video7890695/sexart_free_hd_at_porn15.net
19	Right Now	PA0001922630	http://www.xvideos.com/video9185940/wow3x.com
20	Senora and Jorge	PA0001922631	http://www.xvideos.com/video4711939/pearls_on_a_beautiful_girl
21	Siesta	PA0001922635	http://www.xvideos.com/video8325717/sexart_-_siesta
22	Melisa A in Seduction	PA0001922636	http://www.xvideos.com/video6964968/metart_seduction_melisa-a
23	Book of Love	PA0001922654	http://www.xvideos.com/video6037811/esposa_hermosa_folla_con_su_esposo
24	Mirelle A in Krios	PA0001922669	http://www.xvideos.com/video3508609/mirelle_a_met_art_video_porn
25	Nadin A in Fiorissima	PA0001922702	http://www.xvideos.com/video4926225/metart_fiorissima_nadin-a_by_goncharov-1080

EXHIBIT 1001

26	Our Time	PA0001923133	http://www.xvideos.com/video9185934/wow3x.com
27	Our Time	PA0001923133	http://www.xvideos.com/video7873879/amirah_adara_-_our_time
28	Energy	PA0001931421	http://www.xvideos.com/video9482076/wow3x.com_free_sex_hd_
29	Magic	PA0001931422	http://www.xvideos.com/video3235806/filmbx.com121120h.hayden_hawkens720_big
30	Hangover	PA0001931423	http://www.xvideos.com/video6610778/agatha_aka_flora_masturbating
31	SexArt	PA0001931425	http://www.xvideos.com/video2314827/luxury_body_painting_in_art_movie
32	Cellist	PA0001931426	http://www.xvideos.com/video2862707/2-sexart--2012-09-16-12-42-009
33	The Cove	PA0001931427	http://www.xvideos.com/video2902323/malena_morgan_the_cover_-_hardsextube
34	Dare	PA0001931428	http://www.xvideos.com/video7976045/dare_iwia-a_and_lorena-b
35	Fly	PA0001931430	http://www.xvideos.com/video7975185/lucy_li_and_kristoff_sex_art
36	Fly	PA0001931430	http://www.xvideos.com/video9627553/lucy_sex_in_bed
37	White Room	PA0001931431	http://www.xvideos.com/video6780932/httpyour69.com_white_room_-casey_calvert
38	Stay Sweet	PA0001931432	http://www.xvideos.com/video7870448/lorena_b_lesbian_scene
39	Lazy Sunday	PA0001931433	http://www.xvideos.com/video9185936/wow3x.com
40	Shangri La	PA0001931434	http://www.xvideos.com/video3203251/redhead_in_shangri_la
41	Anna AJ in Erotsis	PA0001931436	http://www.xvideos.com/video8518860/met-art_-_anna_aj_anna_s_hegre_-_2009-03-22_-_erotsis
42	Turning Point	PA0001931440	http://www.xvideos.com/video6891359/denisa_heaven
43	Waltz With Me - Spring	PA0001931987	http://www.xvideos.com/video8605938/alexis_brill_hdporn69.com
44	Red Vinyl	PA0001931989	http://www.xvideos.com/video9967687/red-vinyl-sexart-1080p

SITE: XVIDEOS.COM

EXHIBIT 1001

SITE: XVIDEOSDAILY.COM

Title of Work	Copyright Registration Number	Infringing Link
Nadin A in Fiorissima	PA0001922702	http://www.xvideosdaily.com/metart-fiorissima-nadin-a-by-goncharov-1080-3045376.html?cat=Shaved

SITE: XVIDEOSTODAY.NET

Title of Work	Copyright Registration Number	Infringing Link
Nadin A in Fiorissima	PA0001922702	http://www.xvideostoday.net/metart-fiorissima-nadin-a-by-goncharov-1080-3036386.html?cat=Teen

UNITED STATES DISTRICT COURT

for the

District of Nevada

HYDENTRA HLP INT. LIMITED, a foreign
corporation,

Plaintiff(s)

v.

WGCZ, S.R.O., a foreign corporation; STEPHANE
MICHAEL PACAUD; MALORIE DEBORAH
PACAUD; and Does 1-10,

Defendant(s)

Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

WGCZ, S.R.O., a foreign corporation, individually and d/b/a XVIDEOS.COM,
XVIDEOSDAILY.COM and XVIDEOSTODAY.NET; STEPHANE MICHAEL PACAUD;
MALORIE DEBORAH PACAUD
krakovska 1366/25, 110 00
Prague 1, Czech Republic

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Clyde DeWitt
Law Offices of Clyde DeWitt,
A Nevada Professional Corporation
2300 W. Sahara Avenue, Suite 800
Las Vegas, NV 89102

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

Civil Action No. _____

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* _____
 was received by me on *(date)* _____ .

☐ I personally served the summons on the individual at *(place)* _____
 _____ on *(date)* _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
 _____ , a person of suitable age and discretion who resides there,
 on *(date)* _____ , and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____ , who is
 designated by law to accept service of process on behalf of *(name of organization)* _____
 _____ on *(date)* _____ ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

HYDENTRA HLP INT. LIMITED, a foreign corporation

(b) County of Residence of First Listed Plaintiff Los Angeles, CA
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Clyde DeWitt, 800 US Bank Building, 2300 West Sahara Avenue, Las Vegas, NV 89102-4397; (702) 386-1756; clydedewitt@earthlink.net

DEFENDANTS

WGCZ, S.R.O., a foreign corporation, STEPHANE MICHAEL PACAUD, MALORIE DEBORAH PACAUD & Does 1-10.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 USC 101, et seq., 15 USC 1114, 1121, 1125;

Brief description of cause:

Plaintiff demands damages and equitable relief for copyright and trademark infringement over the Internet

VII. REQUESTED IN COMPLAINT:☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.DEMAND \$
6,000,000.00

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/29/2015

SIGNATURE OF ATTORNEY OF RECORD

/s/ Clyde DeWitt

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. **Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.